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09/872,335	06/02/2001	Kenneth J. Susnjara	8386.002.US0000	2887
77176 7590 06/20/2008 Novak, Druce & Quigg LLP 1300 I Street, N.W. Suite 1000, West Tower WASHINGTON, DC 20005				
EXAMINER ALVAREZ, RAQUEL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/872,335
Filing Date: June 02, 2001
Appellant(s): SUSNJARA, KENNETH J.

Peter N. Lalos
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/3/2008 appealing from the Office action mailed 9/19/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlin (2002/0093538 hereinafter Carlin in view of Official Notice.

With respect to claims 67-68, Carlin teaches transmitting from a first party to a remote second party having access to a computer and software useable upon inputting into said computer to design and composite said composite product, generate a bill of materials for said composite product in accordance with said design (Carlin Figures 3-4 and associated text);

Inputting said software into said computer by said second party (Carlin Figures 3-4);

Operating said computer utilizing said software by said second party to generate a selected design of said composite product, a bill of materials for said designed composite product and acquiring other of said components of said designed composite product from a selected source (Carlin Figures 3 and 4 teaches ordering swatches and fabric from the vendors);

assembling said acquired components to form said designed composite product (Figures 3 and 4 teaches ordering swatches and fabric from the vendors); receiving invoices from the vendors [Carlin paragraphs 0234 and 0252].

With respect to a CNC machine and program for the instructions for the operation of said CNC machine to machine components and inputting said instructional program. Official Notice is taken that Computer Numerical Control (CNC) operates machine tools in the same way a skilled operator would manually, but is done automatically through stored program data. It would have been obvious to use a CNC machine and program for the instructions for the operation of said CNC machine and inputting said instructional program in order to overcome the possibilities of human error because the machine's functions are controlled by a fixed program and are not dependent on the operator's skills.

Claim 69 further recites ordering the composite product online. Official Notice is taken that it is old and well known to use various Online services such as Online ordering and the like in recent years. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included ordering the composite product online in order to reduce the cost of having to distribute software.

Claim 70 further recites transmitting advertisements of said other components of said designed composite product. Official Notice is taken that it is old and well known in marketing or the like to offer advertisements for complimentary products based on the product purchased in order to motivate the customer to make additional purchases. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's

invention to have included transmitting advertisements of said other components of said designed composite product in order to obtain the above mentioned advantage.

(10) Response to Argument

Appellant argues that Carlin doesn't teach a) the transmission of a software package from a first party to a user second party which can be run on the computer of the user second party, b) such software package being functional to design a composite product such as a set of kitchen cabinets, generate a bill of materials for such a composite product, such as required pieces of wood and hardware, and generate program instructions for a CNC machine to machine some of such components, such as a set of wood pieces required to build a set of cabinets, c) the use of such software package by the user second party on such party's computer to design such product and generate such bill of materials and CNC program instructions, d) the use of such program instructions to machine some of the components of the final product on a CNC machine, e) the acquisition of other components of the final product from the first party online or elsewhere and F) assembling such components to produce the end product.

With respect to Appellant arguments pertaining to steps a and C) The Examiner disagrees with Appellant because Carlin teaches in the Abstract "The photorealistic images, optionally provided to bona fide **design** professionals and their clients for **free**, but typically paid for by the product's manufacturer, promote the sale to the client of goods which are normally obtained through the graphics service provider's customer's distributor, profiting both the service provider and the design professional" in addition on

paragraph [0025], Carlin further teaches the use of the free software for use in interior, exterior home and landscape and that [0031] these programs or software generally run on personal computers and allow the user to design rooms, place furniture, etc.. As can be seen by Carlin above, the design professionals and their clients receive free software from the manufacturer in order to help them design interior, exterior and home landscaping.

With respect to Appellant arguments pertaining to step b) generating a bill of materials for the product. The Examiner wants to point out that Carlin teaches receiving invoices for the ordered product [paragraphs 0234 and 0252].

With respect to Appellant arguments pertaining to step d) and the general use of CNC program instructions. The Examiner wants to point out that CNC machine and program for the instructions for the operation of said CNC machine to machine components and inputting said instructional program are old and well known to operate machine tools in the same way a skilled operator would manually, but is done automatically through stored program data and therefore It would have been obvious to use a CNC machine and program for the instructions for the operation of said CNC machine and inputting said instructional program in order to overcome the possibilities of human error.

With respect to steps e and f) Carlin teaches receiving the ordered parts and assembling all the parts to form or put together the furniture (end product) within the desired room (paragraphs 0173- 0176 and Figures 3-4).

Art Unit: 3622

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
Raquel Alvarez/Raquel Alvarez/
Primary Examiner, Art Unit 3688

Conferees:

Eric Stamber/E. W. S./
Supervisory Patent Examiner, Art Unit 3622

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Primary Examiner, Art Unit 3622